REMARKS

Claims 1-14 are pending in this application. By this Amendment, claim 1 is amended. Support for the amendments can be found on page 14, line 33 - page 16, line 20, and page 11, lines 15-32.

Claims 1-3 and 5-12 are rejected under 35 U.S.C. §103(a) over U.S. 2004/0108753 to Bruderick et al. (Bruderick) in view of U.S. 6,612,644 to Ahn. The rejection is respectfully traversed.

Claim 1 recites at least one front wall connected to the body by a frangible zone situated at a foot of the protuberance, wherein the frangible zone is a thinned zone having a thickness that is less than the body and the front wall, the rear wall and the third wall of the protuberance, the frangible zone being configured to break when the support element is subjected to a substantially vertical force directed downwards and corresponding to an impact with a pedestrian.

Bruderick discloses a fender support system 130 that includes fender supports 120, and sill to fender brackets 110 (paragraph [0035]), molded from carbon fiber SMC (paragraph [0036]). [1]The sill to fender brackets 110 are preferably molded separately from the fender supports 120 and assembled to the supports 120 (paragraphs [0038]-[0039]). The elements 110, 120 can also be molded in a single part (paragraph [0037]). The support system 130 comprising the elements 110, 120 is assembled to the vehicle body 420 via an interface 405 (paragraph [0041]).

As stated on page 5 of the Office Action, Bruderick does not disclose that the elements 110, 120 are connected by the recited frangible zone having a thickness that is less than the elements 110, 120. Bruderick also does not disclose that the frangible zone is

[1] Bruderick does not use reference numeral 240. Applicants assume that the Examiner is alleging that Bruderick's fender supports 120 correspond to the recited body.

configured to break when the support element is subjected to a substantially vertical force directed downwards and corresponding to an impact with a pedestrian as claimed. As illustrated by Bruderick's drawings, the brackets 110 are not projected upward and connected to the supports 120 by a zone extending at the foot of the brackets 110. The brackets 110 instead extend toward the exterior of the vehicle and are connected to the body of the vehicle by one of the lateral walls.

Ahn discloses a vehicle fender 14 that uses a damper 24 and a deformable member 26. As stated in the Office Action, the Examiner considers the damper 24 and the deformable member 26 to be the recited support element. However, the damper 24 (alleged protuberance) does not have a front wall, a rear wall and a third wall. In addition, the damper 24 is not molded as a single part with the deformable member 26.

In addition, even if the interior part of Ahn's damper 24 is considered a thinned zone, this zone is not configured to break when the support element is subjected to a substantially vertical force directed downwards and corresponding to an impact with a pedestrian, as recited in claim 1. The damper 24 and the deformable member 26 are configured so that the deformable member 26 deforms during an impact, which enables the damper 24 to move downwards (Fig. 7). As a result, the thinned zone of the damper 24 does not break when the fender 14 is subjected to such an impact. If any part were to break, it would be the deformable member 26 when it is subjected to a substantially vertical force directed downwards.

It also would not have been obvious to modify Bruderick with Ahn. As stated above, Ahn does not disclose or suggest a protuberance that is molded as a single part with the body of the support element, and Ahn's shock absorption pattern is different than Bruderick. Moreover, Ahn's structure is not applicable to a protuberance that includes a front wall, a rear wall and a third wall because the wall could bend at a lower end during impact, which is

likely to modify the absorption pattern. Thus, one skilled in the art would not have applied Ahn to Bruderick.

In addition, even if one skilled in the art had combined Bruderick and Ahn, it would be necessary to replace Bruderick's fender brackets 110 with Ahn's damper 24, which still would not suggest all of the features of claim 1. As neither Bruderick nor Ahn discloses a frangible zone that is configured to break when the support element is subjected to a substantially vertical force directed downwards and corresponding to an impact with a pedestrian, one skilled in the art would not have come up with the support element based on Bruderick and Ahn with this recited feature.

The dependent claims are allowable based on their dependence from claim 1 and for the additional features that they recite. It is respectfully requested that the rejection be withdrawn.

Claims 13 and 14 are rejected under 35 U.S.C. §103(a) over Bruderick in view U.S. 6,736,434 to Anderson et al. (Anderson). The rejection is respectfully traversed.

Anderson fails to overcome the deficiencies of Bruderick as applied to independent claim 1. In the Amendment filed September 15, 2009, Applicants provided various arguments regarding Anderson. Applicants demand that the Examiner either withdraw the rejection using Anderson or respond to Applicants' arguments. In addition, the rejection is not proper because Ahn is not being applied to reject the dependent claims. The dependent claims are also allowable based on their dependence from claim 1 and for the additional features that they recite. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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Attachments:
Request for Continued Examination
Petition for Extension of Time

Date: May 24, 2010

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